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4 MOONBUG ENTERTAINMENT
5 LIMITED, et al.,
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7 Plaintiffs,
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9 v.
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11 BABYBUS (FUJIAN) NETWORK
12 TECHNOLOGY CO., LTD, et al.,
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14 Defendants.
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16 Case No. [21-cv-06536-EMC](#)
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18 **ORDER RE WITNESS DISCLOSURES
19 AND CROSS DISCLOSURES AND
20 DEPOSITION DESIGNATIONS AND
21 COUNTERDESIGNATIONS FOR JULY
22 18, 2023**

23 Docket Nos. 534, 535
24

25 The Court has reviewed Defendants' disclosures, the Plaintiffs' disclosures, as well as the
26 parties' objections. The Court makes the following rulings.
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28 **IT IS SO ORDERED.**

29 Dated: July 17, 2023
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32 EDWARD M. CHEN
33 United States District Judge
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PLAINTIFFS' OBJECTIONS TO DEFENDANTS' DISCLOSURES3
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| Witnesses | Trial Exhibit No. | P's Objections | Court's Rulings |
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| Yunshan Lin | TE 2365 -- Google Calendar Invite re Call with BabyBus and Moonbug | FRE 401/403 objections to these exhibits previously sustained by the Court. Dkt. 519 at 7-8 (sustaining objections to same exhibits). FRE 802. | OVERRULED. These documents concern correspondence between Lin and Moonbug about setting up a meeting, with Lin declining any acquisition overtures. The Court previously sustained the objection to these documents with Jon Benoy, citing its previous ruling: “The Court SUSTAINS the objection as to Point 3. Point 3 reads: “Moonbug brought this lawsuit because Babybus rejected its acquisition overtures.” Moonbug’s motivation in bringing this suit does not make Moonbug’s likelihood of prevailing on its claims more or less likely, and it would unduly prejudice the jury.” Docket No. 472 at 2.” Docket No. 519 at 7-8. But to the extent that these exhibits shed light on Moonbug’s failure to mitigate and Babybus’ non-willfulness, these exhibits are admissible for those limited purposes and not for the scorned partner argument. |
| Yunshan Lin | TE 2367 -- Mar. 18, 2021 Robson Email re acquisition | D responds: “Regarding Defendants’ disclosure of TE2365, TE2367-68, TE2372-74, TE3388, TE2360-62, TE2366, TE2369-71, these emails and messages from Moonbug to BabyBus regarding “potential acquisition” and the parties’ cross promotion efforts are relevant to Moonbug’s failure to mitigate damages and BabyBus’ non-willfulness.” | |
| Yunshan Lin | TE 2368 -- Mar 18, 2021 Robson Email re acquisition | | |
| Yunshan Lin | TE 2372 -- May 14, 2020 Email re acquisition | | |
| Yunshan Lin | TE 2373 -- May 14, 2020 Shelley Email re acquisition | | |
| Yunshan Lin | TE 2374 -- Email from Super JoJo to Helen Wong re Moonbug collaboration | | |
| Yunshan Lin | TE 2369 -- Super JoJo email re Kidscreen meeting | FRE 401/403 (pre-CoComelon acquisition; concerns solely Moonbug music business, not video business; irrelevant to question of infringement of the CoComelon Works); | JUDGMENT RESERVED, pending clarification on whether the proposed collaboration involved alleged infringed or |
| Yunshan Lin | TE 2360 -- Mar. 30 2020 Super JoJo Email re Moonbug Music | | |

United States District Court
Northern District of California

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|----|-------------|---|--|---|
| 1 | Yunshan Lin | TE 2361 -- Winn Email to Super JoJo re Moonbug Music | cf. Dk. 519 at 7-8 (previously sustaining objections to similar exhibits). FRE 802. | infringing music rights at issue in this suit. |
| 2 | Yunshan Lin | TE 2362 -- Wong Email to Super JoJo re Moonbug Music | | |
| 3 | Yunshan Lin | TE 2366 -- Nov. 4, 2020 Email re Moonbug Music | | |
| 4 | Yunshan Lin | TE 2370 -- April 9, 2020 Shelley email re Moonbug Music | | |
| 5 | Yunshan Lin | TE 2371 -- May 12, 2020 Email re Moonbug Music | | |
| 6 | Yunshan Lin | TE 3388 -- Summary of WeChat Messages (PDF) | FRE 802, 1006 (unclear if the messages were sent and received in one continuous thread together as they are presented or whether this is a summary that is improper/misleading). | SUSTAINED. The PDF is a mashup of WeChat messages between Yun Shan Lin (Babybus) and Helen Wong (Moonbug) about a collaboration. FRE 403. |
| 7 | Yunshan Lin | TE 3461 -- Summary of WeChat Messages (Spreadsheet) | FRE 401/403, 802 | SUSTAINED, see above. |
| 8 | Yunshan Lin | TE 2420-2631 -- WeChat Messages between H. Wong and Y. Lin | | |
| 9 | Yunshan Lin | TE 843 -- 8/27/2021 Email from YouTube to Super JoJo English about DMCA notifications | FRE 802 | OVERRULED. |
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DEFENDANTS' OBJECTIONS TO PLAINTIFFS' CROSS-DISCLOSURES

The Court reviewed Defendants' objections and addresses them below.

| Witnesses | Deposition Designation | D's Objections | Court's Rulings |
|-------------|--|---|--|
| Yunshan Lin | Ex. 933 – November 30, 2020 text message between Xunjie Zhang and Yunshan Lin [Xunjie Zhang: “Good morning. I watched | 402, 403 – short titles are not copyrightable and a discussion of titles is not relevant to this case. 37 C.F.R. § 202.1 (“The following are examples of works not subject to | JUDGMENT RESERVED. Moonbug should show relevance and context. |

| | | | |
|---|--|--|--|
| 1 | the episode. The title should be changed. Haha. Use Cocomelon as a reference.”] | copyright and applications for registration of such works cannot be entertained: (a) Words and short phrases such as names, titles, and slogans”); Williams v. Warner/Chappell Music, No. CV 07-2683 SVW (CTX), 2007 WL 9751921, at *2 (C.D. Cal. Sept. 26, 2007) (recognizing copyright law denies protection to single words and phrases such as titles.). | |
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